

permitted by 35 USC 112, paragraph 6. Language which adds greater particularity to a claimed means is not redundant. Applicant notes that the objected to language parallels the language of claim 1 at lines 2 and 3; that language has not been objected to by the Examiner. Further, the structure of applicant's invention is disclosed by both the drawings and the text of the specification and is claimed variously in the structural claims as originally filed. For example, see pages 3 and 4 of the specification. As noted in the telephone interviews with the Examiner, and as disclosed by applicant's specification, a plumb bob alone is not sufficient to establish the condition of a door frame in relation to three dimensional space.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 USC 103 over Lee et al. or Lee et al. in view of Owens. As noted in applicant's Amendment A, Owens does not disclose or suggest a structure that has means for assessing the true status of a steel door frame in relation to three dimensional space. Moreover, Owens does not disclose or suggest how to incorporate a means for storing a plumb bob in such a device.

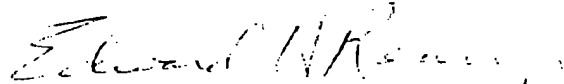
Lee et al. only discloses a holder for a plumb bob. Lee et al.'s holder has no function other than to hold and protect a plumb bob. There is no structure disclosed or suggested for Lee et al.'s holder which can assess the true status of a door frame. The holder is specifically disclosed as being a cylinder, as such, the holder is incapable of being an accurate gauge.

The two references teach apart and further teach away from applicant's claimed invention. It is only by reference to applicant's disclosure that one skilled in the art would be able to reconstruct the Lee et al. reference, or the Lee et al. reference and the Owens reference, to achieve applicant's claimed invention. For example, there is no suggestion of where and how to incorporate a plumb bob storage means in the Owens structure without destroying the reference's structure and function. There is no suggestion of how and where to place magnetic material on the Lee et al. structure and how to achieve the applicant's claimed structure and function. See In re Imperato, 179 USPQ 730 (CCPA 1973).

The Examiner's comments with regard to the allowed claim 6 - 16 are noted, but are incomplete. The references of record do not disclose or suggest a device which is capable of assessing the true status of a door frame in relation to three dimensional space. This function is not present in the references and there is no structure in the references capable of performing this function. Only applicant has disclosed this function and structure capable of performing this function.

In summary, it is respectfully submitted that the claims, and claim 1 in particular, are patentable over the references of record and meet the formal requirements of 35 USC 112. A favorable reconsideration and speedy allowance is respectfully requested.

Respectfully submitted,

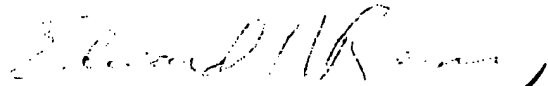


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